

















William Parks Club Publications  
No. 1

Edited by

EARL GREGG SWEM

*Librarian William and Mary College*

This is copy No. *53*  
of an edition of 190 copies

A N  
I N Q U I R Y  
INTO THE  
RIGHTS of the BRITISH Colonies,

---

---

By *RICHARD BLAND*, of VIRGINIA

---

---

Edited by  
EARL GREGG SWEM  
*Librarian, William and Mary College*

---

---



---

---

WILLIAMSBURG, 1766  
Reprinted by the *APPEALS PRESS, Inc.*  
FOR THE WILLIAM PARKS CLUB  
RICHMOND, 1922

E 1  
I 55

**COPYRIGHT 1922**

**by**

**WILLIAM PARKS CLUB**

## INTRODUCTION

---

Richard Bland was born May 6, 1719, the son of Richard Bland (1665-1720), of Berkeley and Jordan's Point, and his second wife, Elizabeth, daughter of Hon. William Randolph I, of Turkey Island. The first Richard Bland was the son of Hon. Theodorick Bland (1629-1669) of Westover, immigrant ancestor of the family in Virginia, and his wife Anne, daughter of Governor Richard Bennett of Virginia. Richard Bland, the author of the "Inquiry," married first Anne, daughter of Col. Peter Poythress, by whom he had twelve children. His second wife was Elizabeth Harrison. By this marriage there was no issue. (1) According to some accounts his second wife is said to have been Elizabeth Bolling, daughter of Major John Bolling and Elizabeth Blair, the daughter of Dr. Archibald Blair. (2) He was educated at William and Mary College, and at the University of Edinburgh, but of his life at either institution we have little information. He first took his seat from Prince George in the House of Burgesses, in 1742, and from that time until 1775, he served continuously. He was a member of the conventions of March 1775, July 1775, Dec. 1775, and May 1776, the bodies that performed legislative functions until the establishment of the State constitution. He was also a member of the first House of Delegates, serving until his death, which occurred in Williamsburg Oct. 26, 1776. He was buried at Jordan's Point, Nov. 7, 1776. He was succeeded in the House by Edmund Ruffin.

In the February session of the Assembly of 1759 an act was passed (4) appointing Edward Montague agent for Virginia in England, and a committee, of which Bland was one, was selected for carrying on a correspondence with Montague. (5) In the October session of 1764, a committee was appointed by the House of Burgesses to draw up an address to the King, a memorial to the Lords, and a Remonstrance to the House of Commons, respecting taxation imposed upon them by any other power than that derived from their own consent. The committee as originally appointed did not contain Bland's name. He was added to the committee on Nov. 20. The usual belief among historians is that Bland wrote the Address, Memorial and Remonstrance. (6) It is probable that he was the author of the three, but I have found no authority for this. In the proceedings of the House, he always occupied a commanding position. For most of the period of his service he was a member of the leading committees, and his services were always in demand for drawing up memorials. In the session of 1765, he opposed the resolutions of Henry on the ground that they were premature. In 1765 he was appointed one of

---

(1) Grigsby Virginia Convention of 1776, p. 57-67. Richmond Critic, July 9, 1888).

(2) (Pocahontas and her descendants, p. 12. Also William and Mary College Quarterly, v. 5, p. 157).

(4) (Hening, v. 7, p. 276).

(5) (See Proceedings of this committee in the Virginia Magazine of History, v. 9, 10, 11 and 12).

(6) (For the text of the three see Journal of House of Burgesses, Dec. 18, 1764).

the trustees for the better management and carrying on of the Indian trade. In 1769, he was one of the first to sign the non-importation agreement. On March 12, 1773, he was appointed by the House a member of the committee of correspondence with the sister colonies. (7)

In the convention of March, 1775, he opposed Henry's resolution to arm the colony, believing still in a policy of conciliation. (8) By the convention of July 1775, he was chosen a member of the committee of safety, the executive body in control during the interregnum preceding the establishment of the State government. (9)

In the convention of Aug. 1774, he was elected a delegate to the first Continental Congress. He was present in Philadelphia throughout the session of the congress. By the convention of March, 1775, he was elected to the second Continental Congress; he was present on May 10, 1775, but seems to have left on account of ill health. He was selected to the Continental Congress on Aug. 11, 1775, by the convention. The next day he declined to accept the honor, giving as his reason that he was advanced in age, and almost sightless.

In June, 1775, a wholly unwarranted charge was brought against Bland, by the Rev. Samuel Sheild, who had just returned from England in holy orders. In the issue of July 8, 1775, of Dixon & Hunter's Virginia Gazette, a letter from Richard Bland addressed to Samuel Sheild is published, in which the writer demands proof for the charge made by Sheild that Bland had solicited a pecuniary appointment from the British government, in return for a promise to support the ministerial measures in America. In the Virginia Gazette of July 22, 1775, Sheild states his charges, substantially as follows: Before he left England, a friend had reported to him that he had seen a letter from one of the delegates of Virginia asking for a position as the gatherer of duties on tea, who promised in return that he would support the policies of the administration. When several names were mentioned by Sheild, they were declared by his friend to be innocent. When Bland's name was mentioned, the friend evaded an answer. This was all that there was of Sheild's charge. On July 22, Bland asked the convention then in session to investigate the charges. The investigation was made on the 28th, and after the examination of the Rev. Samuel Sheild, the Rev. John Hurt, and many other witnesses, the house found that the reports were "utterly false and groundless." The result of this examination was published in the Virginia Gazette of Aug. 5, 1775.

Upon the death of John Robinson, who had been both Speaker and Treasurer, Richard Bland was one of the candidates for the vacant position. Bland was in favor of the separation of the offices. In a letter to R. H. Lee, May 22, 1766, he notifies the other of his intention to run for the office, tho it had been reported to him that Lee

(7) (The letters and proceedings of this committee from March 12, 1773, to April 7, 1775, are printed in the Virginia Calendar of State Papers, v. 8, p. 1-74).

(8) (1 Henry's Henry, 258, quoting Judge Tucker).

(9) (Hening, v. 9, p. 4f.) The Journal of the Committee of Safety, Feb. 7, 1776—July 4, 1776, is printed in the Virginia Calendar of State Papers, v. 8, p. 75-239.

(10) (Sou. Lit. Messenger, v. 27, p. 116).

would be a candidate. In the same letter Bland says he is considering the establishment of the scheme of a loan office or public bank, with the intention to propose this in the assembly. (10)

Few of Bland's letters remain. In the Virginia Magazine of History, v. 6, p. 127-134, a long letter, dated Aug. 1, 1771, to Thomas Adams, at that time in England, is printed. In this Bland expresses his views on the movement for a bishopric in America, and on the emissions of paper money, and gives his opinion of the Rev. Mr. Horrocks, and of Edward Montague, the late agent in England. This letter was reprinted with corrections in the William and Mary Quarterly, v. 5, p. 150-156. In the Bland Papers, edited by Charles Campbell, and published in 1840, there are only two letters from Richard Bland. One, Feb. 20, 1775, relative to his election, and the other, July 25, 1775, asking some friend to attend the examination of the charges against him.

Edmund Randolph calls him the Virginia Antiquarian. Roger Atkinson in a letter to Samuel Pleasants, Oct. 1, 1774, refers to him as "Lieutenant Colonel Bland, a very well experienced veteran at the senate or the bar—staunch and tough as whiteleather—has something of the look of musty old parchments which he handleth and studieth much. He is also a great chronologer and is a conjurer. He formerly wrote a treatise on water baptism amongst the Quakers, which he miscalled the Quaker doctrine of water baptism—for you know they deny all water baptism—him you know." (11) Jefferson's characterization in his letter to Wirt (12) is well known: "Your characters are inimitably and justly drawn. I am not certain if more might not be said of Colonel Richard Bland. He was the most learned and logical man of those who took prominent lead in public affairs, profound in constitutional lore, a most ungraceful speaker, (as were Peyton Randolph and Robinson, in a remarkable degree.) He wrote the first pamphlet on the nature of the connection with Great Britain which had any pretension to accuracy of view on that subject, but it was a singular one. He would set out on sound principles, pursue them logically till he found them leading to the precipice which he had to leap, start back alarmed, then resume his ground, go over it in another direction, be led again by the correctness of his reasoning to the same place, and again back about, and try other processes to reconcile right and wrong, but finally left his reader and himself bewildered between the steady index of the compass in their hand, and the phantasm to which it seemed to point. Still, there was more sound matter in his pamphlet than in the celebrated Farmer's letters, which were really but an *ignis fatuus*, leading us from true principles."

In a letter to Edward Coles (13) on the subject of slaves, Jefferson thus alludes to Bland's interest in alleviating their condition: "In the first or second session of the Legislature after I became a member, I drew to this subject the attention of Col. Bland, one of the oldest, ablest, and most respected members, and he undertook to move for certain moderate extensions of the protection of the laws to these people. I seconded his motion, and, as a younger member, was more spared in the debate; but he was denounced as an enemy of his country, and was treated with the grossest indecorum."

(11) (Va. Magazine of History, v. 15, p. 356).

(12) (Ford's Jefferson, v. 9, p. 474).

(13) (Ford's Jefferson, v. 9, p. 477).

Bland was known to have collected old papers and documents relating to the history of Virginia. In a letter dated Nov. 3, 1776, to Thomas Jefferson, then in Williamsburg, Richard Henry Lee says in a postscript, "Let every method be essayed to get the valuable old papers that Col. Richard Bland was possessed of." (14) Some of the Bland papers passed to Jefferson, and from him to the Library of Congress. (15)

In 1840, Charles Campbell, the historian, published in two small volumes "The Bland Papers; being a selection from the manuscripts of Colonel Theodorick Bland, Jr., of Prince George County, Virginia. To which are prefixed an introduction, and a memorial of Colonel Bland..... Petersburg, Printed by Edmund and Julian C. Ruffin." On pages v-x, Mr. Campbell gives a description of the papers as he found them. It is to be regretted that only two letters of Col. Richard Bland are in the lot.

For a discussion of Bland's part in the Stamp Act incident, see L. G. Tyler in the William and Mary Quarterly, v. 18, p. 163, 164; v. 19, p. 31-41, p. 220. Bancroft's appreciation of Bland may be found in his History of the United States, v. 5, p. 442.

Other references that may be useful to the student are the following: Letter of Jerman Baker in the William and Mary Quarterly, v. 12, p. 239; Letter of William Robinson to the Bishop of London, in Perry's Papers relating to the history of the Church of Virginia, 1650-1776, p. 463-470; Familiae Minorum Gentium, v. 2, p. 421-428, genealogical notes about the Bland family, an abstract of which is printed in the William and Mary Quarterly, v. 15, p. 47.

In addition to his present Inquiry, the following three titles are known to be by Bland's pen: there are two other productions of which we know by title only, the Treatise against the Quakers on water baptism, mentioned by Roger Atkinson in one of his letters, and an article against the idea of an American episcopate, mentioned by Governor Tazewell; it is likely that these were printed as letters in issues of the Virginia Gazette, of which no copies are extant:

A fragment on the pistole fee, claimed by the Governor of Virginia, 1753. Edited by Worthington Chauncey Ford, Brooklyn, 1891. 43 p. (Winnowings in American history. Virginia Tracts, No. 1).

A letter to the clergy of Virginia, in which the conduct of the General Assembly is vindicated against the reflexions contained in a letter to the lords of trade and plantations from the Lord Bishop of London. By Richard Bland, Esq.; one of the representatives in assembly for the county of Prince George. Ne quid falsi dicere audeat, ne quid veri non audeat. Cicero. Williamsburg: Printed by William Hunter. 1760. v, 3-20 p. Copy in the Library of Congress, Boston Athenaeum, Library Company of Philadelphia.

(14) (Letters of R. H. Lee, ed. by J. C. Ballagh, v. 1, p. 225).

(15) (Preface to Hening's Statutes. Johnston's History of the Library of Congress. Miss Kingsbury's edition of the Records of the London Company, published by the Library of Congress).

The colonel dismounted; or the rector vindicated. In a letter addressed to his reverence; containing a dissertation upon the constitution of the colony. Williamsburg; Printed by Joseph Royle. 1764. 30, xvii p. Only copy is in Library of Congress.

The copy from which the present text of the Inquiry is taken is in the Library of Congress, and has on the title page the autograph of Jona. Smith. The full title is "An Inquiry into the Rights of the British Colonies. Intended as an answer to the Regulations lately made concerning the Colonies, and the Taxes imposed upon them considered. In a letter addressed to the author of that pamphlet. By Richard Bland of Virginia. Williamsburg, Printed by Alexander Purdie & Co., 1766." This was reprinted in London, in the Political Register, for 1769, p. 9-27. The text in the Political Register has been carefully compared with the original pamphlet, and many considerable changes are found to have been made in the punctuation. A separate edition of the Inquiry was also printed in London bearing the imprint: Wiliamsburg: Printed by Alexander Purdie and Co., London. Reprinted by J. Almon, opposite Burlington House, Picadilly, 1769. Copies are in the John Carter Brown Library, and the library of the Historical Society of Pennsylvania. This is probably the text as printed in the Political Register, repaged, as the title is a caption title.

At the time Charles Campbell prepared "The Bland Papers" there was a portrait of Bland at Jordan's Point. The portrait was then in the mutilated condition in which it had been left by the British soldiers at the time of the revolution.

It has seemed to the editor that it would be helpful to the student to have full titles of the books to which Bland refers in his notes. Some of these books were in his own library, others were in the library of the council of Virginia. Titles of the first editions of all such books are accordingly printed in the Appendix, but it is not presumed that these were the editions Bland used. In providing this information, Mr. Charles H. Hastings, of the Card Division of the Library of Congress, has been most attentive, and acknowledgment is hereby gratefully made to him. For permission to photograph the original pamphlet in the Library of Congress, I wish to express my appreciation to Dr. Herbert Putnam, Librarian of Congress. For helpful suggestions I am indebted to Hon. Robert M. Hughes of Norfolk, Prof. Oscar L. Shewmake of the College of William and Mary, and Frederick C. Hicks, Law Librarian of Columbia University, and I wish to acknowledge, most gratefully, their assistance.

E. G. SWEM,

William and Mary College.



LAW OF  
CALIFORNIA

A N  
**I N Q U I R Y**  
INTO THE  
**RIGHTS of the BRITISH Colonies,**

Intended as an Answer to

*The Regulations lately made concerning the Colonies,  
and the Taxes imposed upon them considered.*

In a Letter addressed to the Author of that Pamphlet.

---

By *RICHARD BLAND*, of *VIRGINIA*.

---

*Dedit omnibus Deus pro virili portione sapientiam, ut  
et inaudita investigare possent et audita perpendere.*

LACTANTIUS.

---



---

---

WILLIAMSBURG :

Printed by ALEXANDER PURDIE, & Co.  
MDCCLXVI.



A N  
I N Q U I R Y  
I N T O T H E  
R I G H T S o f t h e B R I T I S H Colonies

---

S I R,

I TAKE the Liberty to address you, as the Author of "The Regulations lately made concerning "the Colonies, and the Taxes imposed upon "them considered." It is not to the Man, whoever you are, that I address myself; but it is to the Author of a Pamphlet which, according to the Light I view it in, endeavours to fix Shackles upon the *American* Colonies: Shackles which, however nicely polished, can by no Means sit easy upon Men who have just Sentiments of their own Rights and Liberties.

You have indeed brought this Trouble upon yourself, for you say that "many Steps have been lately taken "by the Ministry to cement and perfect the necessary "Connexion between the Colonies and the Mother "Kingdom, which every Man who is sincerely interested in what is interesting to his Country will

"anxiously consider the Propriety of, will inquire into "the Information, and canvas the Principles upon "which they have been adopted; and will be ready "to applaud what has been well done, condemn what "has been done amis, and suggest any Emendations, "Improvements, or Additions, which may be within "his Knowledge, and occur to his Reflexion."

Encouraged therefore by so candid an Invitation, I have undertaken to examine, with an honest Plainness and Freedom, whether the Ministry, by imposing Taxes upon the Colonies by Authority of Parliament, have pursued a wise and salutary Plan of Government, or whether they have exerted pernicious and destructive Acts of Power.

I pretend not to concern myself with the Regulations lately made to encourage Population in the new Acquisitions: Time can only determine whether the Reasons upon which they have been founded are agreeable to the Maxims of Trade and sound Policy, or not. However, I will venture to observe that if the most powerful inducement towards peopling those Acquisitions is to arise from the Expectation of a Constitution to be established in them similar to the other Royal Governments in *America*, it must be a strong Circumstance, in my Opinion, against their being settled by *Englishmen*, or even by *Foreigners*, who do not live under the most despotic Government; since, upon your Principles of Colony Government, such a Constitution will not be worth their Acceptance.

The Question is whether the Colonies are represented in the *British* Parliament or not? You affirm it to be an indubitable Fact that they are represented, and from thence you infer a Right in the Parliament to impose Taxes of every Kind upon them. You do not insist

upon the *Power*, but upon the *Right* of Parliament to impose Taxes upon the Colonies. This is certainly a very proper Distinction, as *Right* and *Power* have very different Meanings, and convey very different Ideas: For had you told us that the Parliament of *Great Britain* have *Power*, by the Fleets and Armies of the Kingdom, to impose Taxes and to raise Contributions upon the Colonies, I should not have presumed to dispute the Point with you; but as you insist upon the *Right* only, I must beg Leave to differ from you in Opinion, and shall give my Reasons for it.

But I must first recapitulate your Arguments in Support of this Right in the Parliament. You say " the " Inhabitants of the Colonies do not indeed choose " Members of Parliament, neither are nine Tents of " the People of *Britain* Electors; for the Right of " Election is annexed to certain Species of Property, " to peculiar Franchises, and to Inhabitancy in some " particular Places. But these Descriptions comprehend " only a very small Part of the Lands, the Property " and People of *Britain*; all Copy-Hold, all Lease- " Hold Estates under the Crown, under the Church, " or under private Persons, though for Terms ever " so long; all landed Property in short that is not " Freehold, and all monied Property whatsoever, are " excluded. The Possessors of these have no Votes " in the Election of Members of Parliament; Women " and Persons under Age, be their Property ever so " large, and all of it Freehold, have none. The " Merchants of *London*, a numerous and respectable " Body of Men, whose Opulence exceeds all that " *America* can collect; the Proprietors of that vast " Accumulation of Wealth, the Publick Funds; the " Inhabitants of *Leeds*, of *Halifax*, of *Birmingham*.

“ and of *Manchester*, Towns that are each of them  
“ larger than the largest in the Plantations; many of  
“ lesser Note, that are incorporated; and that great  
“ Corporation the *East India Company*, whose Rights  
“ over the Countries they possess fall very little short  
“ of Sovereignty, and whose Trade and whose Fleets  
“ are sufficient to constitute them a maritime Power,  
“ are all in the same Circumstances: And yet are they  
“ not represented in Parliament? Is their vast Property  
“ subject to Taxation without their Consent? Are they  
“ all arbitrarily bound by Laws to which they have  
“ not agreed? The Colonies are exactly in the same  
“ Situation; all *British Subjects* are really in the same;  
“ none are actually, all are virtually, represented in  
“ Parliament: For every Member of Parliament sits  
“ in the House not as a Representative of his own  
“ Constituents, but as one of that august Assembly by  
“ which all the Commons of *Great Britain* are repre-  
“ sented.”

This is the Sum of what you advance, in all the Pomp of Parliamentary Declamation, to prove that the Colonies are represented in Parliament, and therefore subject to their Taxation; but notwithstanding this Way of reasoning, I cannot comprehend how Men who are excluded from voting at the Election of Members of Parliament can be represented in that Assembly, or how those who are elected do not sit in the House as Representatives of their Constituents. These Affer-tions appear to me not only paradoxical, but contrary to the fundamental Principles of the *English Constitution.*

To illustrate this important Disquisition, I conceive we must recur to the civil Constitution of *England*, and from thence deduce and ascertain the Rights and Pri-

vileges of the People at the first Establishment of the Government, and discover the Alterations that have been made in them from Time to Time; and it is from the Laws of the Kingdom, founded upon the Principles of the Law of Nature, that we are to show the Obligation every Member of the State is under to pay Obedience to its Institutions. From these Principles I shall endeavour to prove that the Inhabitants of *Britain*, who have no Vote in the Election of Members of Parliament, are not represented in that Assembly, and yet that they owe Obedience to the Laws of Parliament; which, as to them, are constitutional, and not arbitrary. As to the Colonies, I shall consider them afterwards.

Now it is a Fact, as certain as History can make it, that the present civil Constitution of *England* derives its Original from those *Saxons* who, coming over to the Assistance of the *Britons* in the Time of their King *Vortigern*, made themselves Masters of the Kingdom, and established a Form of Government in it similar to that they had been accustomed to live under in their native Country\*; as similar, at least, as the Difference of their Situation and Circumstances would permit. This Government, like that from whence they came, was founded upon Principles of the most perfect Liberty: The conquered Lands were divided among the Individuals in Proportion to the Rank they held in the Nation†; and every Freeman, that is, every Freeholder, was a Member of their Wittinagemot, or Parliament‡. The other Part of the Nation, or the Non-Proprietors of Land, were of little Estimation§.

\* Petyt's *Rights of the Com.* Brady's *Comp. Hist.* Rapin. Squire's *Inquiry.*

† Caesar de Bell. Gall. Tacitus de Germ. C. 28. Temple's *Misc.*

‡ Tacitus de Germ, C. 11.

§ Ibid. C. 25.

They, as in *Germany*, were either Slaves, mere Hewers of Wood and Drawers of Water, or Freedmen; who, being of foreign Extraction, had been manumitted by their Masters, and were excluded from the high Privilege of having a Share in the Administration of the Commonwealth, unless they became Proprietors of Land (which they might obtain by Purchase or Dónation) and in that Case they had a Right to sit with the Freemen, in the Parliament or sovereign Legislature of the State.

How long this Right of being personally present in the Parliament continued, or when the Custom of sending Representatives to this great Council of the Nation, was first introduced, cannot be determined with Precision; but let the Custom of Representation be introduced when it will, it is certain that every Freeman, or, which was the same Thing in the Eye of the Constitution, every Freeholder\*, had a Right to vote at the Election of Members of Parliament, and therefore might be said, with great Propriety, to be present in that Assembly, either in his own Person or by Representation. This Right of Election in the Freeholders is evident from the Statute 1st *Hen. 5.* Ch. 1st, which limits the Right of Election to those Freeholders only who are resident in the Counties the Day of the Date of the Writ of Election; but yet every resident Freeholder indiscriminately, let his Freehold be ever so small, had a Right to vote at the Election of Knights for his County, so that they were actually represented: And this Right of Election continued until it was taken away by the Statute 8th *Hen. 6.* Ch. 7. from those Freeholders who had not a clear Freehold Estate of forty Shillings by the Year at the least.

\* 2 *Inst. 27.* 4 *Inst. 2.*

Now this Statute was deprivative of the Right of those Freeholders who came within the Description of it; but of what did it deprive them, if they were represented notwithstanding their Right of Election was taken from them? The mere Act of voting was nothing, of no Value, if they were represented as constitutionally without it as with it: But when by the fundamental Principles of the Constitution they were to be considered as Members of the Legislature, and as such had a Right to be present in Person, or to send their Procurators or Attornies, and by them to give their Suffrage in the supreme Council of the Nation, this Statute deprived them of an essental Right; a Right without which, by the ancient Constitution of the State, all other Liberties were but a Species of Bondage.

As these Freeholders then were deprived of their Rights to substitute Delegates to Parliament, they could not be represented, but were placed in the same Condition with the Non-Proprietors of Land, who were excluded by the original Constitution from having any Share in the Legislature, but who, notwithstanding such Exclusion, are bound to pay Obedience to the Laws of Parliament, even if they should consist of nine Tents of the People of *Britain*; but then the Obligation of these Laws does not arise from their being virtually represented in Parliament, but from a quite different Reason.

Men in a State of Nature are absolutely free and independent of one another as to sovereign Jurisdiction\*, but when they enter into a Society, and by their own

\* *Vattel's Law of Nature. Locke on Civil Govern. Wollaston's Rel. of Nat.*

Consent become Members of it, they must submit to the Laws of the Society according to which they agree to be governed; for it is evident, by the very Act of Association, that each Member subjects himself to the Authority of that Body in whom, by common Consent, the legislative Power of the State is placed: But though they must submit to the Laws, so long as they remain Members of the Society, yet they retain so much of their natural Freedom as to have a Right to retire from the Society, to renounce the Benefits of it, to enter into another Society, and to settle in another Country; for their Engagements to the Society, and their Submission to the publick Authority of the State, do not oblige them to continue in it longer than they find it will conduce to their Happiness, which they have a natural Right to promote. This natural Right remains with every Man, and he cannot justly be deprived of it by any civil Authority. Every Person therefore who is denied his Share in the Legislature of the State to which he had an original Right, and every Person who from his particular Circumstances is excluded from this great Privilege, and refuses to exercise his natural Right of quitting the Country, but remains in it, and continues to exercise the Rights of a Citizen in all other Respects, must be subject to the Laws which by these Acts he *implicitly*, or to use your own Phrase, *virtually* consents to: For Men may subject themselves to Laws, by consenting to them *implicitly*; that is, by conforming to them, by adhering to the Society, and accepting the Benefits of its Constitution, as well, as *explicitly* and directly, in their own Persons, or by their Representatives substituted in their Room\*. Thus, if a Man whose Property does not

\* *Wollaston's Rel. of Nat.*

entitle him to be an Elector of Members of Parliament and therefore cannot be represented, or have any Share in the Legislature, " inherits or takes any Thing by " the Laws of the Country to which he has no indu-  
 " bitable Right in Nature, or which, if he has a Right  
 " to it, he cannot tell how to get or keep without the  
 " Aid of the Laws and the Advantage of Society,  
 " then, when he takes this Inheritance, or whatever  
 " it is, *with* it he takes and owns the Laws that gave  
 " it him. And since the Security he has from the  
 " Laws of the Country, in Respect of his Person and  
 " Rights, is the *Equivalent* for his Submission to them,  
 " he cannot accept *that* Security without being obliged,  
 " in Equity, to pay *this* Submission: Nay his very  
 " continuing in the Country shows that he either likes  
 " the Constitution, or likes it better, notwithstanding  
 " the Alteration made in it to his Disadvantage, than  
 " any other; or at least thinks it better, in his Circum-  
 " stances, to conform to it, than to seek any other;  
 " that is, he is content to be comprehended in it."

From hence it is evident that the Obligation of the Laws of Parliament upon the People of *Britain* who have no Right to be Electors does not arise from their being *virtually* represented, but from a quite different Principle; a Principle of the Law of Nature, true, certain, and universal, applicable to every Sort of Government, and not contrary to the common Understandings of Mankind.

If what you say is a real Fact, that nine Tenths of the People of *Britain* are deprived of the high Privilege of being Electors, it shows a great Defect in the present Constitution, which has departed so much from its original Purity; but never can prove that those People are even *virtually* represented in Parliament.

And here give me Leave to observe that it would be a Work worthy of the best patriotick Spirits in the Nation to effectuate an Alteration in this putrid Part of the Constitution; and, by restoring it to its pristine Perfection, prevent any “Order or Rank of the Subjects from imposing upon or binding the rest without “their Consent.” But, I fear, the Gangrene has taken too deep Hold to be eradicated in these Days of Venality.

But if those People of *Britain* who are excluded from being Electors are not represented in Parliament, the Conclusion is much stronger against the People of the Colonies being represented; who are considered by the *British* Government itself, in every Instance of Parliamentary Legislation, as a distinct People. It has been determined by the Lords of the Privy Council that “Acts of Parliament made in *England* without “naming the foreign Plantations will not bind them\*.” Now what can be the Reason of this Determination, but that the Lords of the Privy Council are of Opinion the Colonies are a distinct People from the Inhabitants of *Britain*, and are not represented in Parliament. If, as you contend, the Colonies are *exactly in the same Situation* with the Subjects in *Britain*, the Laws will in every Instance be equally binding upon them, as upon those Subjects, unless you can discover two Species of *virtual Representation*; the one to respect the Subjects in *Britain*, and always existing in Time of Parliament; the other to respect the Colonies, a mere Non-Entity, if I may be allowed the Term, and never existing but when the Parliament thinks proper to produce it into Being by any particular Act in which the Colonies

\* 2 Peer Williams.

happen to be named. But I must examine the Case of the Colonies more distinctly.

It is in vain to search into the civil Constitution of *England* for Directions in fixing the proper Connexion between the Colonies and the Mother Kingdom; I mean what their reciprocal Duties to each other are, and what Obedience is due from the Children to the general Parent. The planting Colonies from *Britain* is but of recent Date, and nothing relative to such Plantation can be collected from the ancient Laws of the Kingdom; neither can we receive any better Information by extending our Inquiry into the History of the Colonies established by the several Nations in the more early Ages of the World. All the Colonies (except those of *Georgia* and *Nova Scotia*) formed from the *English* Nation, in *North America*, were planted in a Manner, and under a Dependence, of which there is not an Instance in all the Colonies of the Ancients; and therefore, I conceive, it must afford a good Degree of Surprise to find an *English* Civilian\* giving it as his Sentiment that the *English* Colonies ought to be governed by the *Roman* Laws, and for no better Reason than because the *Spanish* Colonies, as he says, are governed by those Laws. The *Romans* established their Colonies in the Midst of vanquished Nations, upon Principles which best secured their Conquests; the Privileges granted to them were not always the same; their Policy in the Government of their Colonies and the conquered Nations being always directed by arbitrary Principles to the End they aimed at, the subjecting the whole Earth to their Empire. But the Colonies in *North America*, except those planted within the present Century, were founded by *Englishmen*; who, becoming

\* *Strahan in his Preface to Domat.*

private Adventurers, established themselves, without any Expense to the Nation, in this uncultivated and almost uninhabited Country; so that their *Cafe* is plainly distinguishable from that of the *Roman*, or any other Colonies of the ancient World.

As then we can receive no Light from the Laws of the Kingdom, or from ancient History, to direct us in our Inquiry, we must have Recourse to the Law of Nature, and those Rights of Mankind which flow from it.

I have observed before that when Subjects are deprived of their civil Rights, or are dissatisfied with the Place they hold in the Community, they have a natural Right to quit the Society of which they are Members, and to retire into another Country. Now when Men exercise this Right, and withdraw themselves from their Country, they recover their natural Freedom and Independence: The Jurisdiction and Sovereignty of the State they have quitted ceases; and if they unite, and by common Consent take Possession of a new Country, and form themselves into a political Society, they become a sovereign State, independent of the State from which they separated. If then the Subjects of *England* have a natural Right to relinquish their Country, and by retiring from it, and associating together, to form a new political Society and independent State, they must have a Right, by Compact with the Sovereign of the Nation, to remove into a new Country, and to form a civil Establishment upon the Terms of the Compact. In such a *Cafe*, the Terms of the Compact must be obligatory and binding upon the Parties; they must be the *Magna Charta*, the fundamental Principles of Government, to this new Society; and every Infringement of them must be wrong, and

may be opposed. It will be necessary then to examine whether any such Compact was entered into between the Sovereign and those *English Subjects* who established themselves in *America*.

You have told us that “ before the first and great “ Act of Navigation the Inhabitants of *North America* “ were but a few unhappy Fugitives, who had wan-“ dered thither to enjoy their civil and religious Liber-“ ties, which they were deprived of at Home.” If this was true, it is evident, from what has been said upon the Law of Nature, that they have a Right to a civil independent Establishment of their own, and that *Great Britain* has no *Right* to interfere in it. But you have been guilty of a gross Anachronism in your Chronology, and a great Errour in your Account of the first Settlement of the Colonies in *North America*; for it is a notorious Fact that they were not settled by Fugitives from their native Country, but by Men who came over voluntarily, at their own Expense, and under Charters from the Crown, obtained for that Purpose, long before the first and great Act of Navigation.

The first of these Charters was granted to Sir *Walter Raleigh* by Queen *Elizabeth* under her great Seal, and was confirmed by the Parliament of *England* in the Year 1584\*. By this Charter the whole Country to be possessed by Sir *Walter Raleigh* was granted to him, his Heirs and Assigns, in perpetual Sovereignty, in as extensive a Manner as the Crown could grant, or had ever granted before to any Person or Persons, with full Power of Legislation, and to establish a civil Government in it as near as conveniently might be agreeable to

\* This Charter is printed at large in *Hakluyt's Voyages*, P. 725, Folio Edition, Anno 1589; and the Substance of it is in the 3d Vol. of *Salmon's Mod. Hist.* P. 424.

the Form of the *English* Government and Policy thereof. The Country was to be united to the Realm of *England* in perfect LEAGUE AND AMITY, was to be within the Allegiance of the Crown of *England*, and to be held by Homage, and the Payment of one Fifth of all Gold and Silver Ore, which was reserved for all Services, Duties, and Demands.

Sir *Walter Raleigh*, under this Charter, took Possession of *North America*, upon that Part of the Continent which gave him a Right to the Tract of Country which lies between the twenty fifth Degree of Latitude and the Gulf of *St. Lawrence*; but a Variety of Accidents happening in the Course of his Exertions to establish a Colony, and perhaps being overborn by the Expence of so great a Work, he made an Assignment to divers Gentlemen and Merchants of *London*, in the 31st Year of the Queen's Reign, for continuing his Plantation in *America*. These Assignees were not more successful in their Attempts than the Proprietor himself had been; but being animated with the Expectation of mighty Advantages from the Accomplishment of their Undertaking, they, with others, who associated with them, obtained new Charters from King *James the First*, in whom all Sir *Walter Raleigh's* Rights became vested upon his Attainder; containing the same extensive Jurisdictions, Royalties, Privileges, Franchises, and Pre-eminentnes, and the same Powers to establish a civil Government in the Colony, as had been granted to Sir *W. Raleigh*, with an express Clause of Exemption for ever from all Taxes or Impositions upon their Import and Export Trade.

Under these Charters the Proprietors effectually prosecuted, and happily succeeded, in planting a Colony upon that Part of the Continent which is now called

*Virginia.* This Colony, after struggling through immense Difficulties, without receiving the least Assitance from the *English* Government, attained to such a Degree of Perfection that in the Year 1621 a General Assembly, or legislative Authority, was established in the Governour, Council, and House of Burgesses, who were elected by the Freeholders as their Representatives; and they have continued from that Time to exercise the Power of Legislation over the Colony.

But upon the 15th of *July*, 1624, King *James* dissolved the Company by Proclamation, and took the Colony under his immediate Dependence; which occasioned much Confusion, and created mighty Apprehensions in the Colony lest they should be deprived of the Rights and Privileges granted them by the Company, according to the Powers contained in their Charters.

To put an End to this Confusion, and to conciliate the Colony to the new System of Government the Crown intended to establish among them, K. *Charles* the First, upon the Demise of his Father, by Proclamation the 13th of *May*, 1625, declared "that *Virginia* should "be immediately dependent upon the Crown; that "the Affairs of the Colony should be vested in a "Council, consisting of a few Persons of Understand- "ing and Quality, to be subordinate and attendant to "the Privy Council in *England*; that he was resolvod "to establish another Council in *Virginia*, to be sub- "ordinate to the Council in *England* for the Colony; "and that he would maintain the necessary Officers, "Ministers, Forces, Ammunition, and Fortifications "thereof, at his own Charge." But this Proclamation had an Effect quite different from what was intended;

instead of allaying, it increased the Confusion of the Colony; they now thought their regular Constitution was to be destroyed, and a Prerogative Government established over them; or, as they express themselves in their Remonstrance, that “their Rights and Privileges were to be assaulted.” This general Disquietude and Dissatisfaction continued until they received a Letter from the Lords of the Privy Council, dated *July the 22d, 1634*, containing the Royal Assurance and Confirmation that “all their Estates, Trade, “Freedom, and Privileges, should be enjoyed by them “in as extensive a Manner as they enjoyed them before “the recalling the Company’s Patent;” whereupon they became reconciled, and began again to exert themselves in the Improvement of the Colony.

Being now in full Possession of the Rights and Privileges of *Englishmen*, which they esteemed more than their Lives, their Affection for the Royal Government grew almost to Enthusiasm; for upon an Attempt to restore the Company’s Charter by Authority of Parliament, the General Assembly, upon the 1st of *April, 1642*, drew up a Declaration or Protestation, in the Form of an Act, by which they declared “they never “would submit to the Government of any Company “or Proprietor, or to so unnatural a Distance as a “Company or other Person to interpose between the “Crown and the Subjects; that they were born under “Monarchy, and would never degenerate from the “Condition of their Births by being subject to any “other Government; and every Person who should “attempt to reduce them under any other Government “was declared an Enemy to the Country, and his “Estate was to be forfeited.” This Act, being presented to the King, at his Court at *York, July 5th, 1644*

drew from him a most gracious Answer, under his Royal Signet, in which he gave them the fullest Assurances that they should be always immediately dependent upon the Crown, and that the Form of Government should never be changed. But after the King's Death they gave a more eminent Instance of their Attachment to Royal Government, in their Opposition to the Parliament, and forcing the Parliament Commissioners, who were sent over with a Squadron of Ships of War to take Possession of the Country, into Articles of Surrender, before they would submit to their Obedience. As these Articles reflect no small Honour upon this Infant Colony, and as they are not commonly known, I will give an Abstract of such of them as relate to the present Subject.

1. The Plantation of *Virginia*, and all the Inhabitants thereof, shall be and remain in due Subjection to the Commonwealth of *England*, not as a conquered Country, but as a Country submitting by their own voluntary Act, and shall enjoy such Freedoms and Privileges as belong to the free People of *England*
2. The General Assembly as formerly shall convene, and transact the Affairs of the Colony.
3. The People of *Virginia* shall have a free Trade, as the People of *England*, to all Places, and with all Nations.
4. *Virginia* shall be free from all Taxes, Customs, and Impositions whatsoever; and none shall be imposed on them without Consent of the General Assembly; and that neither Forts nor Castles be erected, or Garrisons maintained, without their Consent.

Upon this Surrender of the Colony to the Parliament, Sir *W. Berkley*, the Royal Goverour, was removed,

and three other Governours were successively elected by the House of Burgeſſes; but in *January 1659* Sir *William Berkeley* was replaced at the Head of the Government by the People, who unanimously renounced their Obedience to the Parliament, and restored the Royal Authority by proclaiming *Charles the 2d King of England, Scotland, France, Ireland, and Virginia*; so that he was King in *Virginia* ſome Time before he had any certain Assurance of being restored to his Throne in *England*.

From this Detail of the Charters, and other Acts of the Crown, under which the first Colony in *North America* was eſtablished, it is evident that “ the Colonists were not a few unhappy Fugitives who had “ wandered into a distant Part of the World to enjoy “ their civil and religious Liberties, which they were “ deprived of at home,” but had a regular Government long before the first Act of Navigation, and were reſpected as a diſtinct State, independent, as to their *internal* Government, of the original Kingdom, but united with her, as to their *external* Polity, in the cloſeſt and moſt intimate LEAGUE AND AMITY, under the ſame Allegiance, and enjoying the Benefits of a reciprocal Intercourſe.

But allow me to make a Reſlection or two upon the preceding Account of the first Settlement of an *English* Colony in *North America*.

*America* was no Part of the Kingdom of *England*; it was poſſeffed by a Savage People, ſcattered through the Country, who were not ſubject to the *English* Dominion, nor owed Obedience to its Laws. This independent Country was ſettled by *Englishmen* at their own Expence, under particular Stipulations with the Crown: These Stipulations then muſt be the ſacred Band of

Union between *England* and her Colonies, and cannot be infringed without Injustice. But you Object that “ no Power can abridge the Authority of Parliament, “ which has never exempted any from the Submission “ they owe to it; and no other Power can grant such “ an Exemption.”

I will not dispute the Authority of the Parliament, which is without Doubt supreme within the Body of the Kingdom, and cannot be abridged by any other Power; but may not the King have Prerogatives which he has a Right to exercise without the Consent of Parliament? If he has, perhaps that of granting License to his Subjects to remove into a *new* Country, and to settle therein upon particular Conditions, may be one. If he has no such Prerogative, I cannot discover how the Royal Engagements can be made good, that “ the Freedom and other Benefits of the *British* Constitution” shall be secured to those People who shall settle in a new Country under such Engagements; the Freedom, and other Benefits of the *British* Constitution, cannot be secured to a People without they are exempted from being taxed by any Authority but that of their Representatives, chosen by themselves. This is an effential Part of *British* Freedom; but if the King cannot grant such an Exemption, in Right of his Prerogative, the Royal Promises cannot be fulfilled; and all Charters which have been granted by our former Kings, for this Purpose, must be Deceptions upon the Subjects who accepted them, which to say would be a high Reflection upon the Honour of the Crown. But there was a Time when some Parts of *England* itself were exempt from the Laws of Parliament: The Inhabitants of the County Palatine of *Chester* were not

subject to such Laws\* *ab antiquo*, because they did not send Representatives to Parliament, but had their own *Commune Concilium*; by whose Authority, with the Consent of their Earl, their Laws were made. If this Exemption was not derived originally from the Crown, it must have arisen from that great Principle in the *British* Constitution by which the Freemen in the Nation are not subject to any Laws but such as are made by Representatives elected by themselves to Parliament; so that, in either Case, it is an Instance extremely applicable to the Colonies, who contend for no other Right but that of directing their internal Government by Laws made with their own Consent, which has been preserved to them by repeated Acts and Declarations of the Crown.

The Constitution of the Colonies, being established upon the Principles of *British* Liberty, has never been infringed by the immediate Act of the Crown; but the Powers of Government, agreeably to this Constitution, have been constantly declared in the King's Commissions to their Governours, which, as often as they pass the Great Seal, are *new* Declarations and Confirmations of the Rights of the Colonies. Even in the Reign of *Charles* the Second, a Time by no Means favourable to Liberty, these Rights of the Colonies were maintained inviolate; for when it was thought necessary to establish a permanent Revenue for the Support of Government in *Virginia*, the King did not apply to the *English* Parliament, but to the General Assembly, and sent over an Act, under the Great Seal of *England*, by which it was enacted " by the King's " Most Excellent Majesty, by and with the Consent " of the General Assembly," that two Shillings per

\* *Petyt's Rights of the Commons. King's Vale Royal of England.*

Hogshead upon all Tobacco exported, one Shilling and Threepence per Tun upon Shipping, and Sixpence per Poll for every Person imported, not being actually a Mariner in Pay, were to be paid for ever as a Revenue for the Support of the Government in the Colony.

I have taken Notice of this Act, not only because it shows the proper Fountain from whence all Supplies to be raised in the Colonies ought to flow, but also as it affords an Instance that Royalty itself did not disdain formerly to be named as a Part of the Legislature of the Colony; though now, to serve a Purpose destructive of their Rights, and to introduce Principles of Despotism unknown to a free Constitution, the Legislature of the Colonies are degraded even below the Corporation of a petty Borough in *England*.

It must be admitted that after the Restoration the Colonies lost that Liberty of Commerce with foreign Nations they had enjoyed before that Time.

As it became a fundamental Law of the other States of *Europe* to prohibit all foreign Trade with their Colonies, *England* demanded such an exclusive Trade with her Colonies. This was effected by the Act of 25th *Charles 2d*, and some other subsequent Acts; which not only circumscribed the Trade of the Colonies with foreign Nations within very narrow Limits, but imposed Duties upon several Articles of their own Manufactory exported from one Colony to another. These Acts, which imposed severer Restrictions upon the Trade of the Colonies than were imposed upon the Trade of *England*, deprived the Colonies, so far as these Restrictions extended, of the Privileges of *English* Subjects, and constituted an unnatural Difference between Men under the same Allegiance, born equally free, and entitled to the same civil Rights. In this

Light did the People of *Virginia* view the Act of 25th *Charles 2d*, when they sent Agents to the *English* Court to represent against " Taxes and Impositions being laid " on the Colony by any Authority but that of their " General Assembly." The Right of imposing *internal* Duties upon their Trade by Authority of Parliament was then disputed, though you say it was never called into Question; and the Agents sent from *Virginia* upon this Occasion obtained a Declaration from *Charles 2d* the 19th of *April 1676*, under his Privy Seal, that Impositions or " Taxes ought not be laid upon the " Inhabitants and Proprietors of the Colony but by the " common Consent of the General Assembly, except " such Impositions as the Parliament should lay on " the Commodities imported into *England* from the " Colony:" And he ordered a Charter to be made out, and to pass the Great Seal, for securing this Right, among others, to the Colony.

But whether the Act of 25th *Charles 2d*, or any of the other Acts, have been complained of as Infringements of the Rights of the Colonies or not, is immaterial; for if a Man of superiour Strength takes my Coat from me, that cannot give him a Right to my Cloak, nor am I obliged to submit to be deprived of all my Estate because I may have given up some Part of it without Complaint. Besides, I have proved irrefragably that the Colonies are not represented in Parliament, and consequently, upon your own Position, that no new Law can bind them that is made without the Concurrence of their Representatives; and if so, then every Act of Parliament that imposes *internal* Taxes upon the Colonies is an Act of *Power*, and not of *Right*. I must speak freely, I am considering a Question which affects the *Rights* of above two Millions of as

loyal Subjects as belong to the *British* Crown, and must use Terms adequate to the Importance of it; I say that *Power* abstracted from *Right* cannot give a just Title to Dominion. If a Man invades my Property, he becomes an Aggressor, and puts himself into a State of War with me: I have a Right to oppose this Invader; If I have not Strength to repel him, I must submit, but he acquires no Right to my Estate which he has usurped. Whenever I recover Strength I may renew my Claim, and attempt to regain my Possession; if I am never strong enough, my Son, or his Son, may, when able, recover the natural Right of his Ancestor which has been unjustly taken from him.

I hope I shall not be charged with Insolence, in delivering the Sentiments of an honest Mind with Freedom: I am speaking of the *Rights* of a People; *Rights* imply *Equality* in the Instances to which they belong, and must be treated without Respect to the Dignity of the Persons concerned in them. If “the *British* Empire in *Europe* and in *America* is the same *Power*,” if the “Subjects in both are the same People, and all “equally participate in the Adversity and Prosperity “of the Whole,” what Distinctions can the Difference of their Situations make, and why is this Distinction made between them? Why is the Trade of the Colonies more circumscribed than the Trade of *Britain*? And why are Impositions laid upon the one which are not laid upon the other? If the Parliament “have a *Right* “to impose Taxes of *every Kind* upon the Colonies,” they ought in Justice, as the same People, to have the same Sources to raise them from: Their Commerce ought to be equally free with the Commerce of *Britain*, otherwise it will be loading them with Burthens at the

same Time that they are deprived of Strength to sustain them; it will be forcing them to make Bricks without Straw. I acknowledge the Parliament is the sovereign legislative Power of the *British* Nation, and that by a full Exertion of their Power they can deprive the Colonists of the Freedom and other Benefits of the *British* Constitution which have been secured to them by our Kings; they can abrogate all their civil Rights and Liberties; but by what *Right* is it that the Parliament can exercise such a Power over the Colonists, who have as natural a Right to the Liberties and Privileges of *Englishmen* as if they were actually resident within the Kingdom? The Colonies are subordinate to the Authority of Parliament; subordinate I mean in Degree, but not absolutely so: For if by a Vote of the *British* Senate the Colonists were to be delivered up to the Rule of a *French* or *Turkish* Tyranny, they may refuse Obedience to such a Vote, and may oppose the Execution of it by Force. Great is the Power of Parliament, but, great as it is, it cannot, constitutionally, deprive the People of their *natural* Rights; nor, in Virtue of the same Principle, can it deprive them of their *civil* Rights, which are founded in Compact, without their own Consent. There is, I confess, a considerable Difference between these two Cafes as to the Right of Resistance: In the first, if the Colonists should be dismembered from the Nation by Act of Parliament, and abandoned to another Power, they have a natural Right to defend their Liberties by open Force, and may lawfully resist; and, if they are able, repel the Power to whose Authority they are abandoned. But in the other, if they are deprived of their *civil* Rights, if great and manifest Oppressions are imposed upon them by the State on which they are dependent, their Remedy is to

lay their Complaints at the Foot of the Throne, and to suffer patiently rather than disturb the publick Peace, which nothing but a Denial of Justice can excuse them in breaking. But if this Justice should be denied, if the most humble and dutiful Representations should be rejected, nay not even deigned to be received, what is to be done? To such a Question *Thucydides* would make the *Corinthians* reply, that if “ a decent and condescension Behaviour is shown on the Part of the Colonies, it would be base in the Mother State to press “ too far on such Moderation:” And he would make the *Corcyreans* answer, that “ every Colony, whilst “ used in a proper Manner, ought to pay Honour and “ Regard to its Mother State; but, when treated with “ Injury and Violence, is become an Alien. They “ were not sent out to be the Slaves, but to be the “ Equals of those that remain behind.”

But, according to your Scheme, the Colonies are to be prohibited from uniting in a Representation of their general Grievances to the common Sovereign. This Moment “ the British Empire in *Europe* and in *America* “ is the same Power; its Subjects in both are the same “ People; each is equally important to the other, and “ mutual Benefits, mutual Necessities, cement their “ Connexion.” The next Moment “ the Colonies “ are unconnected with each other, different in their “ Manners, opposite in their Principles, and clash in “ their Interests and in their Views, from Rivalry in “ Trade, and the Jealousy of Neighbourhood. This “ happy Division, which was effected by Accident, “ is to be continued throughout by Design; and all “ Bond of Union between them” is excluded from your vast System. *Divide et impera* is your Maxim in Colony Administration, lest “ an Alliance should be

" formed dangerous to the Mother Country." Un-generous Insinuation! detestable Thought! abhorrent to every Native of the Colonies! who, by an Uniformity of Conduct, have ever demonstrated the deepest Loyalty to their King, as the Father of his People, and an unshaken Attachment to the Interest of *Great Britain*. But you must entertain a most despicable Opinion of the Understandings of the Colonists to imagine that they will allow Divisions to be fomented between them about inconsiderable Things, when the closest Union becomes necessary to maintain in a constitutional Way their dearest Interests.

Another Writer\*, fond of his new System of placing *Great Britain* as the Centre of Attraction to the Colonies, says that " they must be guarded against having " or forming any Principle of Coherence with each " other above that whereby they cohere in the Centre; " having no other Principle of Intercommunication " between each other than that by which they are in " joint Communication with *Great Britain*, as the " common Centre of all. At the same Time that they " are each, in their respective Parts and Subordinations, " so framed as to be acted by this first Mover, they " should always remain incapable of any Coherence, " or of so conspiring amongst themselves as to create " any other equal Force which might recoil back on " this first Mover; nor is it more necessary to preserve " the several Governments subordinate within their " respective Orbs than it is essential to the Preservation " of the Empire to keep them disconnected and inde- " pendent of each other." But how is this " Principle " of Coherence," as this elegant Writer calls it, be-  
tween the Colonies, to be prevented? The Colonies

\* *The Administration of the Colonies by Governour Pownall.*

upon the Continent of *North America* lie united to each other in one Tract of Country, and are equally concerned to maintain their common Liberty. If he will attend then to the Laws of Attraction in natural as well as political Philosophy, he will find that Bodies in Contact, and cemented by mutual Interests, cohere more strongly than those which are at a Distance, and have no common Interests to preserve. But this natural Law is to be destroyed; and the Colonies, whose *real* Interests are the same, and therefore ought to be united in the closest Communication, are to be disjoined, and all intercommunication between them prevented. But how is this System of Administration to be established? Is it to be done by a military Force, quartered upon private Families? Is it to be done by extending the Jurisdiction of Courts of Admiralty, and thereby depriving the Colonists of legal Trials in the Courts of common Law? Or is it to be done by harassing the Colonists, and giving overbearing Taxgatherers an Opportunity of ruining Men, perhaps better Subjects than themselves, by dragging them from one Colony to another, before Prerogative Judges, exercising a despotic Sway in Inquisitorial Courts? Oppression has produced very great and unexpected Events: The *Helvetick Confederacy*, the States of the *United Netherlands*, are Instances in the Annals of *Europe* of the glorious Actions a petty People, in Comparision, can perform when united in the Cause of Liberty. May the Colonies ever remain under a constitutional Subordination to *Great Britain!* It is their Interest to live under such a Subordination; and it is their Duty, by an Exertion of all their Strength and Abilities, when called upon by their common Sovereign, to advance the Grandeur and the Glory of the Nation. May the

Interests of *Great Britain* and her Colonies be ever united so as that whilst they are retained in a legal and just Dependence no unnatural or unlimited Rule may be exercised over them; but that they may enjoy the Freedom, and other Benefits of the *British* Constitution, to the latest Page in History!

I flatter myself, by what has been said, your Position of a *virtual* Representation is sufficiently refuted; and that there is really no such Representation known in the *British* Constitution, and consequently that the Colonies are not subject to an *internal* Taxation by Authority of Parliament.

I could extend this Inquiry to a much greater Length, by examining into the Policy of the late Acts of Parliament, which impose heavy and severe Taxes, Duties, and Prohibitions, upon the Colonies; I could point out some very disagreeable Consequences, respecting the Trade and Manufacturers of *Britain*, which must necessarily result from these Acts; I could prove that the Revenues arising from the Trade of the Colonies, and the Advantage of their Exports to *Great Britain* in the Balance of her Trade with foreign Nations, exceed infinitely all the Expense she has been at, all the Expense she can be at, in their Protection; and perhaps I could show that the Bounties given upon some Articles exported from the Colonies were not intended, primarily, as Instances of Attention to their Interest, but arose as well from the Consideration of the disadvantageous Dependence of *Great Britain* upon other Nations for the principal Articles of her naval Stores, as from her losing Trade for those Articles; I could demonstrate that these Bounties are by no Means adequate to her Savings in such foreign Trade, if the Articles upon which they are given can be procured from the Colonies

in Quantities sufficient to answer her Consumption; and that the Excess of these Savings is so much clear Profit to the Nation, upon the Supposition that these Bounties are drawn from it; but, as they will remain in it, and be laid out in its Manufactures and Exports, that the whole Sum which used to be paid to Foreigners for the Purchase of these Articles will be saved to the Nation. I say I could extend my Inquiry, by examining these several Matters; but as the Subject is delicate, and would carry me to a great Length, I shall leave them to the Reader's own Reflection.



## APPENDIX

### TITLES OF BOOKS TO WHICH BLAND REFERS IN HIS NOTES

---

#### **Brady, Robert. 1627?-1700.**

A complete history of England, from the first entrance of the Romans under the conduct of Julius Caesar, unto the end of the reign of King Henry III. Comprehending the Roman, Saxon, Danish and Norman affairs and transactions in this nation during that time. Wherein is shewed the original of our English laws, the differences and disagreements between the secular and ecclesiastic powers, the true rise and grounds of the contentions and wars between the barons and our antient kings. And likewise an account of our foreign wars with France, the conquest of Ireland, and the actions between the English, Scots and Welsh, during the same time. All delivered in plain matter of fact, without any reflections or remarques. By Robert Brady ... [London] in the Savoy, Printed by T. Newcomb for S. Lowndes, 1685. 6 p. l., lxviii, [8], 675, 254, [67] p. front. (port.) 33cm.

"A catalogue of authors used in this history": [8] p. following p. lxviii. Appendix of official documents (charters, letters, proclamations, etc.) in Latin, some with English translation. In 1700 the author issued a supplementary volume under title: Continuation of the Complete history of England.

#### **Brady Robert, 1627?-1700.**

A continuation of the Complete history of England: containing the lives and reigns of Edward I. II. & III. and Richard the Second. By Robert Brady ... [London] in the Savoy, Printed by E. Jones for S. Lowndes [etc.] 1700.

1 p. l., 467, [2], 139, [24] p. 32½cm. "Authors and records from whence the materials are taken": 1 p. following p. 467. Appendix of official documents in Latin, French and English.

#### **Coke, Sir Edward, 1552-1634.**

The first part of the Institvtes of the lawes of England. Or, A commentarie vpon Littleton, not the name of a lawyer onely, but of the law it selfe ... Hæc ego grandævus posui tibi candide lector. Authore Edw. Coke, milite. London, Printed for the Societie of stationers, 1628.

7 p. l., 395 numb. l., 1 l. fold. tab. 28½cm.

#### **Coke, Sir Edward, 1552-1634.**

The second part of the Institutes of the lawes of England. Containing the exposition of many ancient, and other statutes; whereof you may see the particulars in a table following ... Authore Edw. Coke, milite, i. c. Hæc ego grandævus posui tibi, candide lector. London, Printed by M. Flesher, and R. Young, for E. D., R. M., W. L., and D. P., 1642.

5 p. l., 745, [1] p., 1 l. 28½cm.

**Coke, Sir Edward, 1552-1634.**

The third part of the Institutes of the laws of England: concerning high treason, and other pleas of the crown, and criminall causes ... Authore Edw. Coke, milite, i. c. Hæc ego grandævus posui tibi, candide lector. London, Printed by M. Flesher, for W. Lee, and D. Pakeman, 1644.

5 p. l., 243, [18] p. 28½cm.

**Coke, Sir Edward, 1552-1634.**

The fourth part of the Institutes of the laws of England: concerning the jvrisdiction of courts ... Authore Edw. Coke, milite, i. c. Hæc ego grandævus posui tibi, candide lector. London, Printed by M. Flesher, for W. Lee, and D. Pakeman, 1644.

7 p. l., 364, [35] p. front. (port.) 28½cm.

**[Dickinson, John] 1732-1808.**

The late regulations respecting the British colonies on the continent of America considered, in a letter from a gentleman in Philadelphia to his friend in London ... Philadelphia, printed; London, Reprinted, for J. Almon, 1765.

62 p. 21½cm.

**[Dickinson, John] 1732-1808.**

The late regulations respecting the British colonies on the continent of America considered, in a letter from a gentleman in Philadelphia to his friend in London ... Philadelphia, Printed and sold by W. Bradford, 1765.

38 p. 19½cm.

**[Dickinson, John] 1732-1808.**

The late regulations respecting the British colonies on the continent of America considered, in a letter from a gentleman in Philadelphia to his friend in London ... Philadelphia, printed; London, Reprinted for J. Almon, 1766.

2 p. l., 39 p. 21cm.

**Domat, Jean, 1625-1696.**

The civil law in its natural order: together with the public law. Written in French by Monsieur Domat ... and tr. into English by William Strahan ... With additional remarks on some material differences between the civil law and the law of England ... London, Printed by J. Bettenham, for E. Bell [etc.] 1722.

2 v. 33cm.

**Hakluyt, Richard, 1552?-1616.**

The principall navigacions, voiages and discoveries of the English nation, made by sea or ouer land, to the most remote and farthest

distant quarters of the earth at any time within the compasse of these 1500. yeers: deuided into three seuerall parts, according to the positions of the regions wherunto they were directed ... Whereunto is added the last most renowmed English nauigation, round about the whole globe of the earth. By Richard Hakluyt ... Imprinted at London by George Bishop and Ralph Newberrie, deputies to Christopher Barker, printer to the Queenes most excellent Maiestie, 1589. 8 p. l., 643, [12], 644-825 (*i. e.* 822), [10] p. 28 $\frac{1}{2}$ cm.

**King, Daniel, d. 1664, ed.**

The Vale-royall of England, or, The county palatine of Chester illustrated. Wherein is contained a geographical and historical description of that famous county ... adorned with maps and prospects, and the coats of arms belonging to every individual family of the whole county. Performed by William Smith, and William Webb, gentlemen. Pub. by Mr. Daniel King. To which is annexed, An exact chronology of all its rulers and governors both in church and state from the time of the foundation of the stately city of Chester, to this very day ... Also, An excellent discourse of the Island of Man ... London, Printed by J. Streater, 1656.

6 p. l., 99 [5] 239, [10], 55 p., 3 p. l., 34 p. illus., plates, maps (part fold.) coats of arms. 29cm. The "Chronicon cestrense" has separate paging; dedication is signed: Samuel Lee. "A short treatise of the Isle of Man, digested into six chapters ..." has special t.p. and paging; its "Epistle dedicatory" is signed: James Chaloner.

**Locke, John, 1632-1704.**

An essay concerning the true original extent and end of civil government. By the late learned John Locke, esq. Boston, Re-printed and sold by Edes and Gill in Queen-street, 1773.

129 p. 18 $\frac{1}{2}$ cm. A reprint of the second treatise in Locke's "Two treatises of government," London, 1690.

**Petyt, William, 1636-1707.**

The antient right of the commons of England asserted; or, A discourse proving by records and the best historians, that the commons of England were ever an essential part of Parliament. By William Petyt ... London, Printed for F. Smith [etc.] 1680.

5 p. l., 75, 184 p. 19cm.

**[Pownall, Thomas] 1722-1805.**

The administration of the colonies. [Part 1] London, Printed for J. Wilkie, 1764.

1 p. l., 131 p. 19cm.

Published anonymously. First edition.

**Rapin-Thoyras, Paul de, 1661-1725.**

The history of England, as well ecclesiastical as civil. By Mr. de Rapin Thoyras ... Done into English from the French ... by N. Tindal ... London, Printed for J. and J. Knapton, 1728-32.

15 v. fronts. (v. 1-10, 13, 15) fold. maps, fold. geneal, tables, 20cm. "A letter to Mr. \_\_\_\_ containing some particulars of the life of Mr. de Rapin Thoyras": vol. xiii, p. [iii]-xxiv. "A short summary of the history of England": v. 15. p. l.-144 (at end).

**Salmon, [Thomas] 1679-1767.**

Modern history: or, The present state of all nations, describing their respective situations, persons, habits, and buildings; manners, laws and customs ... plants, animals, and minerals. By Mr. Salmon. Illustrated with cuts and maps ... by Herman Moll. The 3d ed. With considerable additions and improvements ... also the history and revolutions of each country, brought down to the present time ... London, T. Longman, T. Osborne [etc.] 1744-46.

3 v. front, plates. ports., maps (partly fold.) 38cm.

**Squire, Samuel, bp. of St. Davids, 1714-1766.**

An enquiry into the foundation of the English constitution; or, An historical essay upon the Anglo-Saxon government both in Germany and England ... A new ed. with additions. By Samuel Squire... London, Printed for C. Bathurst, 1753.

vi, 427 p. 22½cm. Appendices: 1. An essay on the balance of civil power in England; 2. A list of all such cities, towns, and burrows, as have ever been summoned to Parliament, with the date of their first returns.

**Temple, Sir William, bart., 1628-1699.**

The works of Sir William Temple, bart. ... To which is prefixed the life and character of the author, considerably enl. A new ed. ... London, F. C. and J. Rivington [etc.] 1814.

4 v. 22½cm.

Contents—I. Life of the author. An essay on the original and nature of government. Observations upon the united Provinces of the Netherlands. Letters containing an account of the most important transactions that passed in Christendom from 1665 to 1672.—II. Sequel of the author's letters, serving to supply the loss of the first part of his Memoirs. A survey of the constitutions and interests of the Empire, Sweden, Denmark, Spain, Holland, France, and Flanders in 1671. A letter to the Duke of Ormond, written in October, 1673. Memoirs, pt. II-III.—III. [Essays] Poetry.—IV. Letters to the king, the Prince of Orange, &c. Index.

**Vattel, Emmerich de, 1714-1767.**

The law of nations; or, Principles of the law of nature: applied to the conduct and affairs of nations and sovereigns. By M. de Vattel ... Tr. from the French ... London, Printed for J. Newbery [etc.] 1760, '59.

2 v. in 1. 26½ x 21½cm.

**Williams, William Peere.**

Reports of cases argued and determined in the High Court of Chancery, and of some special cases adjudged in the Court of Kings Bench, 2 v. (1740). 2d ed. (1746) v. 3, 1749.

**[Wollaston, William] 1660-1724.**

The religion of nature delineated [London?] printed in the year 1722.

158 p., 1 l. 26cm. Privately printed.













**RETURN  
TO ➔**

**CIRCULATION DEPARTMENT**  
198 Main Stacks

<b>LOAN PERIOD 1</b>	2	3
<b>HOME USE</b>		
4	5	6

**ALL BOOKS MAY BE RECALLED AFTER 7 DAYS.**

**Renewals and Recharges may be made 4 days prior to the due date.  
Books may be Renewed by calling 642-3405.**

**DUE AS STAMPED BELOW**

U.C. BERKELEY LIBRARIES



C038901887

